

REMARKS

Applicants respectfully request reconsideration as follows

Objection to the Drawings:

Applicants herewith provide replacement sheets 1 through 4 with Figures 1 through 4. No new matter is added.

Objection to the Specification

Applicants respectfully submit that claims 9-16 conform to the invention as set forth in the specification-as-filed and that the terms and phrases used in the claims find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description, as required by CFR § 1.75(d)(1). The term “machine readable medium” is found in the Specification-as-filed, at least at page 4, line 4. Moreover, the phrase “machine readable medium” has long been approved as indicating statutory subject matter. In re Beauregard, 53 F.3d 1583 (Fed. Cir. 1995). The MPEP specifically approves of the use of the phrase “computer readable medium” as being directed toward statutory subject matter. MPEP § 2106.01. Furthermore, Applicants respectfully submit that persons of ordinary skill in the art would understand the phrase “machine readable medium.”

Therefore, Applicants respectfully request that the Examiner withdraw the objection to claims 9-16.

Claim Amendments:

Applicants herewith amend claims 1, 9 and 17, as a matter of form, replacing the word “the” with the word “an.” The scope of the claims remains unchanged and no new matter has been added.

Claim Rejections - 35 USC 103(a):

Claims 1-3, 5-11 and 13-16:

Applicants respectfully submit that independent claims 1 and 9 are patentable over US 6,941,348 (Petry) in view of US 7,093,025 (Gupta) because neither Petry nor Gupta, alone or in combination, disclose, teach, suggest or otherwise make obvious all of the limitations of claims 1 or 9. For example, neither Petry nor Gupta disclose, teach or suggest at least:

“ . . . emailing the system administrator regarding an abnormal operation if act (b) verifies that the email spooler is not operating normally . . . ”

as recited in Claims 1 and 9. Although Petry discusses generating an “alert” under certain circumstances, the alerts are not “emailed”, much less emailed if it is verified that “the email spooler is not operating normally”, as recited in claims 1 and 9.

Petry states that “an alert notification is generated if the “spool size reaches one of several predefined spool size checkpoints (e.g. 75 % of capacity” or if, “after storing the message, the spool size exceeds the maximum allocated spool size for the organization”, in which case “the spool connection management is removed, preventing subsequent

messages from being spooled.” 20:26-34. The alerts are not emailed. Petry states that such alerts are accessed via one of multiple “access tabs . . . on an “access page for an administrative console” (20:57-67, FIG. 13), where the “administrative console 316 may be a web-based application having an “admin” software module 318 running on a web server or optionally on the same intermediate platform as the EMS 203.” 7:27-31. Therefore, Petry does not disclose, teach or suggest “emailing the system administrator regarding an abnormal operation” as recited in claims 1 and 9.

Moreover, generating an alert in Petry only happens when the spooler operates normally; the alerts do not regard “an abnormal operation” of the spooler as recited in claims 1 and 9. Petry describes the function of the spooler as including generating an “alert” when the “spool size reaches one of several predefined spool size checkpoints” and when, “after storing the message, the spool size exceeds the maximum allocated spool size for the organization.” 20:26-34. Petry does not disclose, teach or suggest “emailing the system administrator regarding an abnormal operation if act (b) verifies that the email spooler is not operating normally” (where “act (b)” is “verifying normal operation of the email spooler”), as recited in claims 1 and 9.

Furthermore, Gupta does not cure the deficiencies of Petry.

Therefore, Applicants respectfully submit that claims 1 and 9 are allowable over Petry in view of Gupta. The dependent claims 2, 3, 5-8, 10, 11 and 13-16 are also allowable for at least the same reasons. Applicants respectfully request that the Examiner withdraw the rejections of claims 1-3, 5-11 and 13-16.

Claims 4 and 12:

Applicants respectfully submit that claims 4 and 12 are allowable over Petry in view of Gupta and further in view of US 2005/0055399 because none of Petry, Gupta and/or Savchuk, alone or in combination, disclose, teach, suggest or otherwise make obvious all of the limitations of claims 4 or 12. Claims 4 and 12 are allowable for reasons similar to those given above with respect to claims 1 and 9, because claims 4 and 12 depend directly or indirectly from claims 1 and 9 respectively. In addition, Savchuk does not cure the deficiencies of Petry or Gupta.

Therefore, Applicants respectfully submit that claims 4 and 12 are allowable over Petry in view of Gupta and further in view of Savchuk. Applicants respectfully request that the Examiner withdraw the rejections of claims 4 and 12.

Claim 17:

Applicants respectfully submit that claim 17 is allowable over Petry in view of Gupta and further in view of Allaire, “ColdFusion, Web Application Server”, pages 1-28, 1995-1999 (Allair) because none of Petry, Gupta or Allaire, alone or in combination, disclose, teach, suggest or otherwise make obvious, all of the limitations of claim 17.

Claim 17 is allowable for reasons similar to those given above with respect to claims 1 and 9 because none of Petry, Gupta or Allaire disclose, teach or suggest at least “emailing the system administrator regarding an abnormal operation if act (c) verifies that the ColdFusion email spooler is not operating normally,” (where “act (c) is “verifying normal operation of the ColdFusion email spooler”) as recited in claim 17. Moreover, Allaire

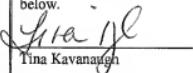
does not cure the deficiencies of Petry or Gupta discussed above with respect to claims 1 and 9.

Therefore, Examiners respectfully submit that claim 17 is allowable over Petry in view of Gupta and further in view of Allaire. Applicants respectfully request that the Examiner withdraw the rejection of 17.

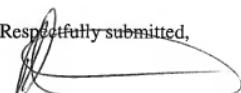
CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration and allowance of claims 1-20.

If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

Certificate of Transmission	
I hereby certify that this correspondence is being electronically transmitted via EFS Web to the United States Patent and Trademark Office on the date shown below.	
 Tina Kavanagh	August 22, 2008

Respectfully submitted,


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